

by plea or demurrer, protect himself from such answer and discovery. And the defendant shall be entitled in all cases, by answer, to insist upon all matters of defence in law or equity, to the merits of the bill, of which he may be entitled to avail himself by a demurrer, or plea in bar; and in such answer he shall not be compellable to answer any other matters than he would be compellable to answer and discover upon filing a demurrer or plea in bar, and an answer in support of such plea, touching the matters set forth in the bill to avoid or repel the bar or defence. Thus, for example, a *bona fide* purchaser, for a valuable consideration, without notice, may set up the defence by way of answer, instead of plea, and shall be entitled to the same protection, and shall not be compellable to make any further answer or discovery of his title than he would be required to make in an answer in support of such plea.

1904, art. 16, sec. 156. 1888, art. 16, sec. 143. Rule 24.

165. Special interrogatories to the defendant shall not be incorporated in the bill or petition, but shall be appended thereto; and they shall be divided as conveniently as may be, and numbered consecutively. And if there be more than one defendant, and the interrogatories are not intended to be answered by all, it shall be designated which defendant is required to answer the several interrogatories. And in like manner and form, any defendant shall be entitled to file interrogatories to any of the plaintiffs, after he shall have put in his answer to the bill; and such interrogatories, either to plaintiff or defendant, and the answers thereto, shall be deemed part of the pleadings in the cause. Notice by service of copy, or otherwise, shall be given to the party required to answer, who shall answer within thirty days from the time of service, unless the time, for cause shown, be extended by special order; and answers to such interrogatories may be compelled by attachment.

Ibid. sec. 157. 1888, art. 16, sec. 144. Rule 25.

166. But either plaintiff or defendant shall be at liberty to decline answering any interrogatory, or part of any interrogatory, when he might have protected himself by demurrer from answering the subject of the interrogatory; and he shall be at liberty so to decline, notwithstanding he shall answer other interrogatories, from which he might have protected himself by demurrer; and upon such declination, the plaintiff or defendant may, on three days' notice, set down the matter for hearing before the court or judge thereof, as on an exception to the answer for insufficiency. But where the interrogatories are not fully answered, and no reason is assigned for the omission, the particular objection must be pointed out by exception, to be filed and served at least five days before the hearing of such exception. The plaintiff or defendant shall be at liberty, before answers to the interrogatories are filed, or pending exceptions, to file or require a replication, and proceed to take testimony, without waiver of his right to such answer, or of his exceptions to the answers.